IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH JANUARY 2007 / 4TH POUSHA, 1928

Crl.MC.No. 4065 of 2006()

LP.62/2006 of CHIEF JUDICIAL MAGISTRATE COURT, MANJERI
CRIME NO. 220/2005 OF MANJERI POLICE STATION

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PETITIONER: DEFACTO COMPLAINANT & ACCUSED

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1. NAJATHUNNEESA, D/O.MUHAMMED,
MELAYIL HOUSE, CHERIYAMOOCHI, KARUVAMBRAM,
MALAPPURAM DISTRICT.

2. MUHAMMED AMEEN, S/O.MUHAMMED HAJI,
PARAKKAL HOUSE, MONGAM, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED
BY THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION-THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-31.

BY PUBLIC PROSECUTOR SRI.K.A. AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 4065 of 2006

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Dated this the 4th day of January, 2007

O R D E R

The petitioners are the defacto complainant and the sole accused respectively in a prosecution under Section 498A I.P.C. Cognizance was taken on the basis of a final report submitted by the police after due investigation. During the pendency of the proceedings the parties have now settled their disputes. It is reported that divorce has been effected. The first petitioner has been remarried and has a child born in that subsequent wedlock.

2. All the controversies have now been settled and the first petitioner has no complaint whatsoever against the second petitioner now. In these circumstances it is prayed that powers under Section 482 Cr.P.C. may be invoked and the proceedings against the second petitioner quashed. Though the offence under Section 498A is not compoundable, reliance is placed on the dictum in **B.S. Joshi** v. **State of Haryana** (AIR 2003 SC 1386) and it is prayed that in the interests of justice such powers may be invoked to bring to premature

termination the proceedings, which has lost its relevance and significance now.

3. Having considered all the relevant inputs, I am persuaded to agree that this is a fit case where powers under Section 482 Cr.P.C. can be invoked in favour of the second petitioner.

4. Notice was given to the learned Public Prosecutor. The Public Prosecutor does not raise any serious objection. The case against the second petitioner is shown to be in the list of long pending cases. That fact notwithstanding, I am satisfied that the proceedings can be quashed. Proceedings under Section 446 Cr.P.C. if any can be disposed of on merits.

5. In the result this Crl.M.C. is allowed. Prosecution against the second petitioner in L.P.No. 62 of 2006 pending before the Chief Judicial Magistrate Court, Manjeri is hereby quashed.

(R. BASANT)
Judge

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